

2021 Campground Moratorium Ordinance

Section 1. Moratorium Needed.

- A. WHEREAS, there are currently two commercial campgrounds operating within the Town of Tremont, Maine (hereinafter the "Town") and applications have been submitted to the Tremont Planning Board for the approval of new commercial campground developments within the Town that would, in the aggregate, accommodate nearly 170 new campsites;
- B. WHEREAS, substantial increases in the volume of tourists visiting Mount Desert Island have the potential to generate pressure for the development of additional campgrounds within the Town;
- C. WHEREAS, excessive campground development could significantly increase the transient population within the Town during the spring, summer and autumn months which could in turn negatively impact current traffic conditions and overburden the Town's current waste disposal systems;
- D. WHEREAS, the current and anticipated campground developments raise a reasonably foreseeable and significant risk of overburdening public facilities during the effective period of the moratorium due to the Town's inability to meet public health and safety needs arising from this increase in its transient population because the Town has no police force and lacks full-time police protection, relies on a volunteer fire department to deal with any increased danger of fires emanating from commercial campground activities, and must evaluate and provide for the demands that a significant increase in the transient population could put on available medical and shared ambulance services;
- E. WHEREAS, changing climatic conditions and reduced precipitation in the Town, particularly during the summer months, may be negatively impacting the aquifers that provide the well water that Town residents rely upon as their primary source of water, as evidenced by reports of problems with well water flows and well water quality in the area;
- F. WHEREAS there has been no recent study by the Town of the current state of the aquifers on which Town residents rely for their water or of the ability of these aquifers to support the additional demands for water resulting from additional campground development;
- G. WHEREAS the application of the Town's Comprehensive Plan, which has not been reviewed in approximately ten years, and existing zoning ordinances and regulations, is not adequate to prevent serious public harm from commercial campground development within the affected geographic area, because the Town's ordinances do not separate residential from commercial activities in the affected areas with the result that commercial campground development creates the risk of privacy intrusions, noise pollution, light pollution, and air pollution from campfire activities, all of which threaten to impact abutting and nearby residential property owners, to impair their peaceful enjoyment of their homes and to reduce the property values of surrounding residences;
- H. WHEREAS, the Town needs a reasonable period of time to prepare and adopt amendments to the Town's zoning ordinance and/or other ordinances and regulations of the Town to prevent serious public harm from excessive campground development, to study and address

reasonably foreseeable impacts of such proposed or anticipated campground development on public facilities, including but not limited to potential adverse impacts to traffic flow, municipal services such as water and sewerage, and neighborhood character;

- I. WHEREAS, pursuant to 30-A M.R.S. § 4356, the Town may adopt a moratorium ordinance on the processing or issuance of permits, approvals and licenses for campgrounds;
- J. WHEREAS, in the JUDGMENT of the Town, based on the foregoing facts, the Town Meeting, as the legislative body of the Town, finds that there is a need for a moratorium as required by 30-A M.R.S. § 4356(1), for a period of 180 days to allow the Town to: (1) complete a review of the current zoning and land use ordinances and to consider whether changes to the Town's ordinances or regulations are required to more clearly address the impacts of new campground development upon public facilities, and to prevent serious public harm from excessive campground development; and

Section 2. Moratorium Imposed. NOW, THEREFORE, BE IT ORDAINED by the legislative body of the Town of Tremont, Maine, in Town Meeting assembled, as follows:

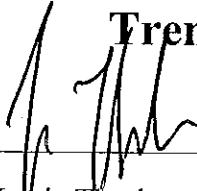
- A. **Acceptance, Processing, and Acting upon Campground Applications Prohibited.** No officer, official, board, agency, or employee of the Town shall accept, process, issue, or in any other way act upon any application for the permitting, construction, expansion or development of any campground, as defined in Article XI of the Town's Land Use Ordinance, for the duration of this moratorium.
- B. **Inconsistent Provisions Repealed for Duration of Moratorium.** Any provisions of the Town's ordinances that allow a campground use in the Residential-Business Zone or are otherwise inconsistent with, or conflicting with, the provisions of this Campground Moratorium Ordinance are hereby repealed, to the extent that they are applicable, for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise. For the duration of the moratorium and as it may be extended as permitted by law, campgrounds are a prohibited use in the Residential-Business Zone.
- C. **Date of Applicability and Retroactivity.** Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, and regardless of the Effective Date, this moratorium shall govern and apply to all proceedings and applications for campgrounds that were or are pending before the Town on or at any time after August 2, 2021, and, as permitted by 30-A M.R.S. § 3007(6), shall apply to and nullify (i) any lawful final approval, license or permit for a campground issued less than 45 days prior to the Effective Date.
- D. **Effective Date and Duration.** This moratorium ordinance shall take effect immediately upon its adoption (the "Effective Date") and shall remain in full force and effect (i) for a period of 180 days from the Date of Applicability, (ii) until an amendment to the Land Use Ordinance and any other applicable ordinances of the Town addressing the establishment or development of campgrounds is adopted by the Town, or (iii) until this moratorium is extended or repealed, whichever shall first occur.
- E. **Extensions.** This moratorium may be extended for additional 180 day periods by the Board of Selectmen of the Town of Tremont, after proper notice and hearing, if a majority of the Selectmen present and voting at such meeting find that:
 - 1. The problems giving rise to the need for this moratorium still exist; and

2. Reasonable progress is being made to address and alleviate the problems giving rise to the need for this moratorium.

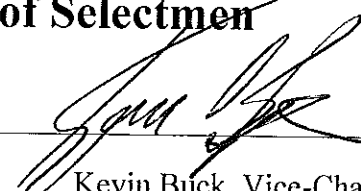
Section 3. Severability. To the extent that any section or paragraph of this Ordinance shall be declared invalid for any reason by a court of competent jurisdiction, the remaining provisions herein shall remain valid.

Section 4. Use of Titles. The headings used at the start of sections and paragraphs of this Ordinance are for convenience of reference only and are not to affect the construction hereof or to be taken into consideration in the interpretation hereof.

Tremont Board of Selectmen



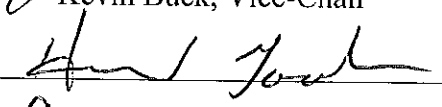
Jamie Thurlow, Chair



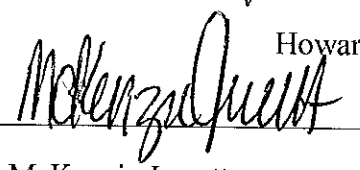
Kevin Buck, Vice-Chair



Eric Eaton



Howard Goodwin



McKenzie Jewett

